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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,464	01/26/2005	Stephane Auberge	FR 020079	6149
24737 7590 11/24/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER DIEP, NHON THANH				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 11/24/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/522,464

**Applicant(s)**

AUBERGER ET AL.

**Examiner**

Nhon T. Diep

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/26/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/11/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (cited in the previous OA), in view of Haskell et al (US 6,055,012).

Chen discloses a view offset estimation for stereoscopic video coding comprising the same method of encoding a digital video sequence for use within a video communication system, said digital video sequence comprising some sets of images including a disparity map comprising an image in which a disparity value is assigned to

every pixel (fig. 5, image 505 of left view and image 515 of right view), and col. 3, lines 23-62), said disparity map being used to reconstruct one image of a set of images from a reference image of said set of images (col. 8, lines 19-24), characterized in that the method comprises the steps of:

encoding the disparity map (fig. 1, el. 115) as specified in claims 1 and 6; characterized in that the encoding of the type of the disparity map is followed by a set of encoded parameters (MPEG protocol: header information follows by image information (parameter)) as specified in claim 3; a computer-readable medium having encoded thereon a computer program for execution by an encoder, said computer program comprising a set of instructions, which, when loaded into said encoder causes the encoder to carry out the method claimed in any one of claims 1 to 3 (fig. 1) as specified in claim 4; a computer-readable medium having encoded thereon a computer program for execution by a computer, said computer program comprising a set of instructions, which, when loaded into said computer, causes the computer to carry out the method claimed in any one of claims 1 to 3 (fig. 1) as specified in claim 5; and a video communication system, which is able to receive a digital video, said video communication system comprising an encoder as claimed in claim 6 for encoding said video signal, a transmission channel for transmitting the encoded video signal; and a decoder for decoding said encoded video signal (fig. 1) as specified in claim 7.

It is noted that Chen uses the same encoder to encode both a type of disparity map and the disparity map, however, Chen does not particularly disclose:

encoding with a first encoding means a type of the disparity map to be used for the reconstruction of an image, wherein the type represents the way that disparity values of the disparity map are to be translated, and the step of encoding a type of disparity map and the step of encoding the disparity map using two separate encoding means as specified in claims 1 and 6 and characterized in that the encoding of the type of the disparity map is done by means of a flag, wherein the use of the flag allows simple definition of the type of disparity map as specified in claim 2. Haskell et al, in the multi-views video imaging, coding/decoding and display system, teaches the generating two super-views by multiplexing the various views onto two lines (col. 13, ln. 59 – col. 14, ln. 27) and the information about these two modes is transmitted to the decoder so the decoder could identify the separate portions of super view 1 and super view 2 (fig. 15, el. 1501-1502-1520, 1515-1516-1520, and col. 11, ln. 29-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chen by using more than one coding modes, and to communicate with the decoder by transmitting encoding modes to the decoding side as taught by Haskell et al. Doing so would help to provide different users with different sets of left and right views for display depending on the users' bandwidth capability; and that the using of a flag to indicate between a plurality of encoding modes is well known in the pertinent art and to save bandwidth (for example, one binary digit could be used to indicate two different encoding modes or 2 binary bits could be used to indicate four different encoding modes and so on) further more, since using two encoders versus the common encoder is a matter of trade off between time and cost,

therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chen by using two encoders instead of one if time is an essence.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 2621